1952. **File No.** Rev. Tribunal II
52 CR

Legal Deptt.

B **BRANCH**

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Subject: Scrutiny of rules under the Bombay Revenue Tribunal Act, 1939

P2/E

File No. Rev. Tribunal II/52 (R)

Gen. 194 e.

775-R

Legal Department.

Section 13 of the Bombay Revenue Tribunal Act, 1939, inter alia provides that the Tribunal shall frame regulations for regulating its procedure and the disposal of its business. Such regulations may provide for the disposal of any case or class of cases by one or more of its members. The power to dispose of an appeal or application by one or more members is limited to any case or class of cases only: Disposal of cases by two members only of the Tribunal is feasible only in the case of a specified case or class of cases. It will, therefore, be necessary to specify in the regulation itself the case or class of cases which should be disposed of by two members of the Tribunal. The disposal of cases generally by two members as provided in the proposed draft at p. 23 ante is, therefore, outside the scope of section 13(1) of the said Act.

2. Section 75(1) of the Bombay Tenancy and Agricultural Lands Act, 1948, provides for an appeal against the award of the Collector to the Bombay Revenue Tribunal. Sub-section (2) of section 75 provides that the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or an order of an Original Court under the Code of

Contd.

Civil Procedure. Section 76(1) lays down that an application for revision may be made to the Bombay Revenue Tribunal constituted under the said Act (i.e. Bombay Revenue Tribunal Act, 1939) against any Order of the Collector on specified grounds. Sub-section (2) provides that in deciding applications, the Tribunal shall follow the procedure which may be prescribed by rules made under this Act. Under both the aforesaid sections, appeals and applications are to be made to the Bombay Revenue Tribunal as constituted under the Bombay Revenue Tribunal Act, 1939. It may therefore be possible to provide that certain class of appeals or revisional applications or any particular appeal or application can be disposed of by one or two members as Government may decide.

J.R.Dhurandhar

9/11

o.c.

Additional Secretary to Government.

U.R.to R.D.No. 18629/B, dated the 8th November 1952.

MM

28/6.